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## Letter dated 26 April 2015 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

With reference to the tragic incidents that took place in the locality of Kass in the State of Southern Darfur, where seven innocent civilians lost their lives and many others were injured, I have the honour to transmit to you herewith the statement issued by the Ministry of Foreign Affairs (see annex), which confirms, among many other facts, that the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has been deliberately involved in the disproportionate, indiscriminate and excessive use of force in an outrageous violation of the rules of engagement that are clearly stated in the status-of-forces agreement signed by the Government of the Sudan, the African Union and the United Nations.

Having brought those serious, unprecedented developments to your attention, we call upon the United Nations to oblige UNAMID to fully abide by the rules of engagement contained in the status-of-forces agreement, as we reserve our ultimate and legitimate sovereign right to take appropriate actions to protect our citizens.

I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Hassan Hamid **Hassan**
Chargé d'affaires a.i.

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## Annex to the letter dated 26 April 2015 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

## Statement by the Ministry of Foreign Affairs regarding the incidents that occurred in Kass, Southern Darfur state

26 April 2015

At 5.50 p.m. on Thursday, 23 April 2015, a patrol of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) forces based at Kass, Southern Darfur, set out in a single vehicle for a water point three kilometres away, in order to bring water back to the Operation's base. When the patrol arrived at the water point, five armed bandits stole the patrol's vehicle and fled towards the south. The UNAMID patrol pursued the bandits, but they succeeded in escaping.

The pursuit by the patrol coincided with the movement of an armed party of Zaghawa, which had set out from the city market to Bulbul Abu Gazu to recover some stolen cattle. The UNAMID troops pursuing the group that had stolen its vehicle fired at the Zaghawa party, killing five civilians, one of whom was a 65-year-old man.

At 7 p.m. on that same day, a large number of civilians gathered near UNAMID headquarters to protest the killing of those civilians by Operation troops. However, UNAMID troops once again fired on civilians, killing one person and injuring a number of others, some of whom are in critical condition, including a woman named Umm Masar Adam Umar Sulayman.

A joint force from the 61st Infantry Regiment and the Kass police set out in six vehicles and recovered the stolen UNAMID vehicle, which was found to not be in working condition, and returned it to the Operation.

At 8 a.m. of the following day, Friday, 24 April 2015, a UNAMID force travelled from Nyala to Kass, in order to reinforce the force at the latter location. The force did so despite an existing agreement between the Operation and the government of Southern Darfur that it would not move from Nyala, so as to avoid escalating the situation and provoking the population. When the force arrived at UNAMID headquarters in Kass, it came across a crowd of civilians. Also present were the administrator of Kass district, the commander of the 61st Infantry Regiment and members of the local security committee, who had been attempting to calm the situation. The UNAMID troops who had arrived from Nyala began firing indiscriminately, killing one person and injuring others.

On 23 April 2015, a criminal complaint (No. 252) was filed with the Public Prosecutor of Kass district. Orders were also given to perform autopsies on the dead and issue death certificates for seven persons.

The governor of Southern Darfur ordered the establishment of a state commission to investigate the incident and establish the facts related thereto. The head of that commission is Counsellor Babakr Jiddu Adam and its members are the Deputy Chief Prosecutor of Kass district, a representative of the police, an intelligence officer from the 61st Infantry Regiment and a representative of the

national security and intelligence agency. The Office of the President ordered the establishment of a federal commission headed by a Minister of State in the Ministry of Justice to investigate the incident that occurred in Kass and establish the facts related thereto.

The Ministry of Foreign Affairs affirms that, from the outset, UNAMID forces committed a number of errors and transgressions, including:

- Disproportionate and indiscriminate use of force
- Failure to observe the rules of engagement and procedures set out in the status-of-forces agreement signed by the Government of the Sudan, the United Nations and the African Union; the UNAMID troops deliberately fired on civilians in order to kill, not wound
- UNAMID forces provoked civilians by firing at them
- The Operation did not adhere to the agreement reached with Southern Darfur state not to move troops to Kass, so as to avoid any escalation. The Operation also provided illogical justifications as to why it had been unable to contact the commander of the UNAMID force that was travelling from Nyala to Kass
- The Operation did not adhere to the legal and criminal procedures that must be followed when there has been a killing

The Ministry of Foreign Affairs also affirms that the information contained in the statement issued by UNAMID regarding the incident is completely incorrect. Moreover, the statement did not refer to certain facts and events. This raises serious and legitimate concerns regarding the motives of UNAMID, particularly given that the incident coincided with the arrangements being made for the preparation and execution of an exit strategy for the Operation.

The Ministry of Foreign Affairs offers its condolences to the victims' families and expresses its profound concern regarding the incidents. It calls on the United Nations to take the actions required to compel its Operation to adhere to the rules of conduct and respect the laws and regulations governing its presence in the Sudan. Should the United Nations fail to do that, the Government of the Sudan will do what it deems appropriate in order to preserve the rights of its citizens and protect their lives.